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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
POUGHKEEPSIE DIVISION

In re:

BRADLEY C. REIFLER,

Debtor.

NORTH CAROLINA MUTUAL LIFE INSURANCE  
COMPANY,

*Plaintiff,*

-against-

BRADLEY C. REIFLER,

*Defendant.*

**CHAPTER 7**

Civil Action No. 17-bk-35075  
(CGM)

Adv. Pro. No. 17-09016 (CGM)

JAMES W. KENNEDY, an attorney duly admitted to practice before this Court, affirms  
the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a partner at Kennedy Berg LLP, counsel to Bradley C. Reifler ("**Debtor**"),  
the defendant in this Adversary Proceeding. I submit this Declaration in order to submit true and  
correct copies of certain exhibits being offered in opposition to Plaintiff's Motion for Sanctions  
and the Entry of Default Judgment, dated April 5, 2018.

2. Exhibit 1 is an email exchange with NCM's counsel, occurring on March 23, 2018.
3. Exhibit 2 is my first letter dated March 30, 2018 to NCM's counsel.
4. Exhibit 3 is my second letter dated March 30, 2018 to NCM's counsel.
5. Exhibit 4 is an email exchange with NCM's counsel scheduling a meet and confer conference over certain discovery issues, occurring on April 2, 2018.
6. Exhibit 5 is an email exchange between my colleague, Andrew Smith, Esq., and NCM's counsel, dated April 6, 2018, concerning Debtor's efforts to obtain access to "Datasets" extracted by RVM Enterprises, Inc. as a result of its word search of Debtor's personal computer.
7. Exhibit 6 is an email exchange with NCM's counsel, beginning on April 9, 2018 and continuing through today, April 12, 2018, concerning efforts to provide NCM with access to, and an image of, a server belonging to one of the Forefront entities.
8. Exhibit 7 is a letter received today from NCM's counsel.
9. Exhibit 8 is an exchange of letters with NCM's counsel, occurring on April 11 and 12, 2018.
10. Exhibit 9 contains excerpts from Debtor's deposition testimony, given on March 7 and 8, 2018.

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11. Exhibit 10 is a report published by Academic Works at City University of New York, John Jay College of Criminal Justice, entitled, *Digital Anti-Forensics: An Implementation and Examination* (2017).

I hereby declare under penalty of perjury of the laws of the United States of America that the foregoing is true and accurate to the best of my knowledge, information and belief. Executed on this 12<sup>th</sup> day of April 2018.

s/James W. Kennedy

**James W. Kennedy**

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**CHAPTER 7**

Civil Action No. 17-bk-35075  
(CGM)

Adv. Pro. No. 17-09016 (CGM)

**DECLARATION OF JAMES W. KENNEDY IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR SANCTIONS AND ENTRY OF DEFAULT JUDGMENT**

JAMES W. KENNEDY, an attorney duly admitted to practice before this Court, affirms  
the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a partner at Kennedy Berg LLP, counsel to Bradley C. Reifler ("**Debtor**"),  
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I hereby declare under penalty of perjury of the laws of the United States of America that the foregoing is true and accurate to the best of my knowledge, information and belief. Executed on this 12<sup>th</sup> day of April 2018.

s/James W. Kennedy

**James W. Kennedy**